

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:

CARIBBEAN PETROLEUM LP, *et al.*¹,

Debtors.

Case No. 01-11657 (PJW)

CHAPTER 11
(Jointly Administered)

HERNAN SERRANO, TRUSTEE OF THE
CARIBBEAN PETROLEUM CREDITORS'
TRUST, AND ON BEHALF OF THE ESTATES
OF THE ABOVE-CAPTIONED DEBTORS,
CARIBBEAN PETROLEUM, ET AL., AS
AUTHORIZED REPRESENTATIVE,

Plaintiff,

v.

GULF CHEMICAL CORP.,

Defendants.

Case No. 04-442 (SLR)

SCHEDULING ORDER

On May 13, 2005, the Court held a Status Conference in the above-entitled matter, and directed counsel for Plaintiff and Defendant to submit to the Court for its consideration a rescheduling order for this proceeding, which counsel has done, and good cause appearing, the Court orders as follows:

IT IS HEREBY ORDERED THAT:

¹ The debtors are the following entities: Caribbean Petroleum, LP; Caribbean Oil LP; Caribbean Petroleum Refining LP; Gulf Petroleum (Puerto Rico) Corporation and Caribbean Petroleum Corporation.

1. Pre-Discovery Disclosures. The parties will exchange by July 15, 2005 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. Discovery.

a. Discovery will be needed on the following subjects: Plaintiff will require discovery so as to the elements of its prima facie case and Defendant will require discovery in support of its defenses.

b. All discovery shall be commenced in time to be completed by December 30, 2005.

c. Maximum of 50 interrogatories by each party to any other party.

d. Maximum of 50 requests for admission by each party to any other party.

e. Maximum of 10 depositions by plaintiff and 10 by defendant.

f. Each deposition limited to a maximum of 8 hours unless extended by agreement of parties or order of the Court.

g. Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by November 1, 2005. Rebuttal expert reports due by December 1, 2005.

h. **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to two (2) Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class**

Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before August 15, 2005.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is

referenced to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be

served and filed with an opening brief on or before January 31, 2006. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written

motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All Motions in limine shall be filed on or before

February 14, 2006. All responses to said motions be filed on or before February 21, 2006.

8. **Pretrial Conference.** A pretrial conference will be held on February 28,

2006 at _____ .m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a 10 day jury trial commencing on

_____ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, DE.

For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Dated: _____

HONORABLE SUE L. ROBINSON
UNITED STATES DISTRICT JUDGE